

**ORDINANCE NO. OR-2170-20**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 111 "PEDDLERS AND SOLICITORS" OF THE CITY OF MANSFIELD, TEXAS CODE OF ORDINANCES BY; AMENDING FEES; AMENDING ISSUANCE OF PERMITS; AMENDING DISPLAY OF PERMIT REQUIREMENTS; ADDING PERMIT EXPIRATION DATES; ADDING PERMIT TIME RESTRICTIONS; AND PROVIDING EXEMPTIONS TO PERMITTING; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Mansfield is a home rule city acting under its charter adopted by the electorate to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the City Council of the City of Mansfield has previously adopted regulations governing Peddlers and Solicitors; and,

**WHEREAS**, the City Council has determined that the amendments and additions to the Code of Ordinances as set out herein are in the best interest of the health, safety and general welfare of the citizens of Mansfield and the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS THAT:**

**SECTION 1.**

Section 111.17 "Fee" of Chapter 111 "Peddlers and Solicitors" of the City of Mansfield, Texas Code of Ordinances shall be amended by amending the fee the applicant pays to the city to read as follows:

"\$100"

"\$100 shall be charged for each individual agent."

**SECTION 2.**

Section 111.18 "Issuance of Permit" of Chapter 111 "Peddlers and Solicitors" of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsection (A) to read as follows:

"(A) Within ten days after the applicant has fully complied with the provisions of this chapter, the Police Chief shall issue to the applicant a permit to engage in the activities named in § 111.01. Provided, however, no permit shall be issued to an applicant

whose application contains one or more statements or answers which are false in whole or in part, nor shall a permit be issued to any applicant who has been convicted of a felony or a crime involving moral turpitude.”

### **SECTION 3.**

Section 111.20 “Display of Permit” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be amended by amending subsections (A) and (B) to read as follows:

“(A) When engaged in door to door solicitation, each solicitor shall wear a high visibility vest provided by the City displaying the current year.”

“(B) Each permit shall be affixed to the vest at all times while conducting door to door sales.”

### **SECTION 4.**

Section 111.21 “Permit Expiration” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be added to read as follows:

“Permits issued under the provisions of this chapter shall expire on December 31<sup>st</sup> of the year of its issuance regardless of the date it is issued.”

### **SECTION 5.**

Section 111.22 “Time Restrictions” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be added to read as follows:

“(A) No person may conduct commercial home solicitations or handbill distributions before 9:00 A.M.; or,

(B) After 7:00 P.M.; or,

(C) Sunday; or,

(D) Any of the following holidays: New Year’s Day; Martin Luther King’s Birthday; President’s Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; The Day after Thanksgiving Day; Christmas Eve; Christmas Day.”

### **SECTION 6.**

Section 111.23 “Exemptions” of Chapter 111 “Peddlers and Solicitors” of the City of Mansfield, Texas Code of Ordinances shall be added to read as follows:

“(A) Solicitations related to children's activities involving a charitable purpose, including, but not limited to: Mansfield Independent School District, Girl Scouts, Boy Scouts, and Big Brothers and Sisters. Children under the age of 17 may participate in such activities to

the extent they are actively supervised by a parent, guardian or other adult person, at least 18 years of age, who is responsible for the well-being of the child.”

“(B) Religious, political or nonprofit organizations and their representatives distributing handbills or pamphlets only for the purpose of communicating issues of general interest to the public. A donation received from the distribution of handbills does not affect this exemption.”

#### **SECTION 7.**

#### **CUMULATIVE**

That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

#### **SECTION 8.**

#### **SEVERABILITY**

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Mansfield Code of Ordinances as a whole.

#### **SECTION 9.**

#### **PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **SECTION 10.**

#### **SAVINGS**

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Ordinance of the City of Mansfield, as amended, or any other ordinances affecting animals or animal control which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation,

both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 11.**

**PUBLICATION**

The City Secretary of the City of Mansfield is hereby directed to publish this ordinance as required by law.

**SECTION 12.**

**EFFECTIVE DATE**

This Ordinance shall take effect as specified in the above sections after its passage on third and final reading and publication as required by law.

**FIRST READING APPROVED ON THE 10<sup>TH</sup> DAY OF FEBRUARY, 2020.**

**SECOND READING APPROVED ON THE 24<sup>TH</sup> DAY OF FEBRUARY, 2020.**

**DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 2<sup>ND</sup> DAY OF MARCH, 2020.**



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David L. Cook, Mayor

**ATTEST:**



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Susana Marin, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**



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Allen Taylor, City Attorney

